

Court of Appeals, Division One
Civil Appeal

1 CA-CV 15-0143

WETHERILT et al. v. MOORE

Appellate Case Information

Case Filed: **5-Mar-2015**
Case Closed:

Dept/Composition

Department E

Hon. Lawrence F Winthrop
Hon. Patricia K Norris
Hon. Kenton D Jones

Side 1. KEVIN WETHERILT, et al., Plaintiff/Appellant

(Litigant Group) KEVIN WETHERILT et al.

- Kevin Wetherilt
- Patten Harvey

Attorneys for: Plaintiffs/Appellants

Michael W Pearson, Esq. (AZ Bar No. 16281)
Kyle B Sherman, Esq. (AZ Bar No. 27217)

Side 2. PATRICK H. MOORE, et al., Defendant/Appellee

(Litigant Group) PATRICK H MOORE et al.

- Patrick H Moore
- Kathy Moore

Attorneys for: Defendants/Appellees

J Brent Welker, Esq. (AZ Bar No. 11762)
Jerome A Moore, Esq. (MI Bar No. P17930)

CASE STATUS

May 11, 2016....Under Advisement

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2011-014464	Negligence; Negligence Per Se; Breach of Contract; [see file]		John Christian Rea, Authoring Judge of Order		

35 PROCEEDING ENTRIES

1.	5-Mar-2015	FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 02/05/15 Docketing Statement filed in Superior Court: 2/17/15				
2.	5-Mar-2015	FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time				
3.	13-Mar-2015	FILED: Notice to Parties re: Appellants' Fee/Brief Due				
4.	23-Mar-2015	RECEIPT No.: 2015-00380 ; \$280.00, Check Number: #9432, Applied to: KEVIN WETHERILT et al. - Class A Filing Fee (\$280.00) Paid for: - By Curry Pearson & Wooten PLC				
5.	30-Mar-2015	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due				
6.	2-Apr-2015	ORDERED: Per Eaton Fruit, staying appeal to/including 5/18/15, and revesting jurisdiction in Maricopa Superior Court for signed order re: minute entry order dated 1/17/15 filed 1/9/15. FURTHER ORDERED: W/in 10 days after ruling, appellants shall file a notice w/ ruling attached. Appeal will be automatically be reinstated. FURTHER ORDERED: If appeal has not been reinstated, appellants shall file a request to continue stay. If not filed, appeal will be dismissed. FURTHER ORDERED: If signed order is filed, opening brief shall be due 6/17/15. Melina Brill ProTem Judge - Author				
7.	6-Apr-2015	RECEIPT No.: 2015-00442 ; \$140.00, Check Number: #5488, Applied to: PATRICK H MOORE et al. - Class B Filing Fee (\$140.00) Paid for: - By PATRICK H MOORE et al.				
8.	7-Apr-2015	FILED: Notice of Appearance; Certificate of Service (Appellees)				
9.	8-Apr-2015	FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service; Certificate of Good Standing (Appellee)				
10.	27-Apr-2015	FILED: Reporter's Transcript of Proceedings - 6/2/2014 - Trial (Kristi Week)				
11.	27-Apr-2015	FILED: Reporter's Transcript of Proceedings - 6/3/2014 - Trial (Kristi Week)				
12.	27-Apr-2015	FILED: Reporter's Transcript of Proceedings - 6/4/2014 - Trial (Kristi Week) (unsigned)				
13.	27-Apr-2015	FILED: Reporter's Transcript of Proceedings - 6/5/2014 - Trial (Kristi Week) (unsigned)				

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14. 29-Apr-2015 ORDERED: granting motion/permitting attorney Jerome A Moore to appear pro hac vice as co-counsel fo rappellees w/ Jerome K Elwell as local counsel. Melina Brill ProTem Judge - Author
15. 7-May-2015 FILED: Notice of Signed Order; Certificate of Service; Exhibit A (Appellant)
16. 8-May-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including signed order filed 5/1/15 re: denying plaitiff's motion for new trial)
17. 15-Jun-2015 FILED: Reporter's Transcript of Proceedings 5/12/14 (Cindy L. Lineburg) (Appellant)
18. 17-Jun-2015 FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service
19. 3-Aug-2015 FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
20. 5-Aug-2015 ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 08-03-2015 to Thursday, 09-03-2015. Barbara Vidal Vaught ProTem Judge - Author
21. 3-Sep-2015 FILED: Stipulation and Request for Second Extension of Time to File Answering Brief; Certificate of Service (Appellee)
22. 8-Sep-2015 ORDERED: Stipulation and Request for Second Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Thursday, 09-03-2015 to Monday, 09-14-2015. Melina Brill ProTem Judge - Author
23. 14-Sep-2015 FILED: Answering Brief of Defendants/Appellees Patrick H. Moore and Kathy Moore; Certificate of Compliance; Certificate of Service
24. 5-Oct-2015 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service (Appellant)
25. 9-Oct-2015 FILED: Request for Oral Argument; Certificate of Service (Appellee)
26. 28-Oct-2015 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27. 6-Nov-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record
28. 6-Nov-2015 FILED: Additional Record on Appeal:
Exhibits: HD 6/2/14 - List # 1 3 4 5 6 7 8 9 10 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 33 34 35 36 37 38 39 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 58 60 61 65 66 67 70 71 72 73 74 75 76 77 78 79 80 81 82 83 85 86 87 88 90 91 92 94 95 97 99 in a box.
29. 13-Nov-2015 ORDERED: Request for Oral Argument (Appellee) = GRANTED. Hon Michael J Brown - Author
30. 31-Mar-2016 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 5-11-16, 10:15 am, COURTROOM 1.
31. 7-Apr-2016 FILED: Notice of Oral Argument
32. 8-Apr-2016 FILED: Return Receipt for Notice of Oral Argument signed by J. Brent Welker on 4/7/16; Certificate of Service (Appellee)
33. 13-Apr-2016 FILED: Return Receipt for Notice of Oral Argument signed by Kyle B Sherman on 4/7/16 (Appellant)
34. 19-Apr-2016 FILED: Return Receipt Re Oral Argument, signed by Jerome A Moore, on 4/7/16 (Appellees)
35. 11-May-2016 FILED: Sign-in Sheet/Case is Under Advisement (Dept E)